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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JAN 23 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	
)	
Amendment of Parts 21 and 74)	MM Docket No. 94-131
of the Commission's Rules with)	
Regard to Filing Procedures in)	
the Multipoint Distribution)	
Service and in the Instructional)	DOCKET FILE COPY DUPLICATE
Television Fixed Service)	
)	
and)	
)	
Implementation of Section 309(j))	PP Docket No. 93-253
of the Communications Act -)	
Competitive Bidding)	

COMMENTS OF CARITAS TELECOMMUNICATIONS

Caritas Telecommunications ("Caritas"), by counsel and pursuant to Section 1.415 of the Federal Communications Commission's (the "FCC" or "Commission") Rules, hereby submits these comments on the above-captioned proceeding in response to the Notice of Proposed Rulemaking ("NPRM") released on December 1, 1994 by the Commission.

Caritas serves as the educational television provider for the schools and parishes of the Diocese of San Bernardino. Because of the full-curriculum programming that it offers, Caritas also provides programming to public schools, home-schools, and other private schools within its coverage area.

This rulemaking proceeding should be directed toward creating a more cooperative effort among applicants and permittees,

particularly among the educational entities who deal with the adjacent channels, and will most likely be relating to the grantees of the E,F,H, MDS 1, and MDS 2 channels.

I. TECHNICAL ISSUES

In response to Paragraphs 8-16 of the NPRM, Caritas makes the following suggestions regarding the technical aspects of the Commission's rules. The current 15 mile radius definition of an MDS licensee's protected service area is inappropriate for licenses granted on an MSA/RSA/ADI basis. Rather, the protected service area should be defined identically to the protected service area for ITFS so that all co-located transmitters at a specific site would have the same protected status. The service area should be defined as line-of-sight to the transmitting antenna with allowances for small local obstructions, while maintaining a grade "A" picture over 75 percent of the unobstructed area. The interference ratios should remain at the present 45 dB and 0 dB co-channel and adjacent channel desired to undesired signal strengths.

Beam benders should be permitted within the service area to fill in the shadowed spots and small adjoining areas to the primary service area on a non-interference basis to other service areas. Interference between adjacent service areas, however, should be permitted to differ from 45 dB and 0 dB for co-channels and adjacent channels, provided the operators of both systems can reduce their understanding to a written agreement.

Consistent with the Commission's recent rule change for MDS,^{1/} Caritas proposes that transmitter power ratings should no longer be required, but that effective radiation of power (ERP) should be used instead since it is a more accurate indication of power that affects coverage. Further, the Commission should create a new class of power ratings for new stations based upon ERP as follows: (i) 50 watts per channel ERP; (ii) 250 watts per channel ERP; and (iii) 1000 watts per channel ERP. Beam bender power, likewise, should be classified as: (i) 100 milliwatts per channel ERP; (ii) 1 watt per channel ERP; and (iii) 10 watts per channel ERP.

Based upon this new class of power ratings, the protected service area should be defined as: (i) 15 miles for a 50 watt per channel ERP system; (ii) 30 miles for a 250 watt per channel ERP system; and (iii) 50 miles for 1000 watt per channel ERP system. Protection zone contours should also follow the areas of coverage. For example, if a mountain range blocks the signal and no coverage exists on the other side, then the protection zone ends at the mountain range. Minor obstructions should not be counted in protection zone contours.

II. Application Procedures

To reduce administrative burdens, the Commission should permit short-form applications containing the following technical information:

^{1/} See NPRM ¶ 16; see also 47 C.F.R. § 21.904 (providing for a maximum EIRP, rather than a maximum value for transmitter output power).

- Transmitter location, address, and coordinates;
- Channel(s) and offset frequency, if any;
- Effective radiated power;
- Antenna polarization, beam tilt, omni or directional (in the case of directional, the beam width and direction).
Also, a field pattern chart of the directional antenna;
and
- Name and address of the system design engineer.

Mandatory electronic filing appears to advantage larger educational institutions with access to electronic networks, familiarity with access, etc., while disadvantaging those entities without such access. For this reason, Caritas believes that the Commission should not mandate electronic filing, but should permit both traditional and electronic filing, until such time when requiring electronic filing would not cause any entity to be unfairly disadvantaged.

While Caritas does not oppose in principle the use of permissive electronic filing procedures, it is concerned about the security of electronically submitted applications. Specifically, before instituting electronic filing procedures the Commission should consider carefully how to design access/passwords so that applicants may ascertain what was received by the FCC, the date of filing (electronic date-stamped receipt), and other important data.

Moreover, any new application procedures adopted by the FCC must contain certain safeguards fundamental to fairness and the

fulfillment of the Commission's objectives. For example, the Commission must maintain the notification requirement of co-channel and adjacent channel licensees/permittees and listed applicants. Application summaries also should be readily available, including such information as the applicant's street address, city name (in addition to latitude/longitude data), elevation of tower, antenna height, power, polarization, angle (downtilt), azimuth, etc. Finally, since terrain shielding (or lack thereof) is a very important consideration for other applicants, licensees, and permittees, other entities within a 75 mile radius of an applicant should be able to receive a full copy of the application upon request from the applicant.

Respectfully submitted,
CARITAS TELECOMMUNICATIONS

By: 

Edwin N. Lavergne
Darren L. Nurn
Ginsburg, Feldman and Bress
1250 Connecticut Avenue, NW
Washington, DC 20036
(202) 637-9000

Its Attorneys

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